(2)

No. 06-1142

In The

Supreme Court of the United States

ROBERT L. AYERS, JR., Warden,

Petitioner,

vs.

JACKSON CHAMBERS DANIELS, JR.,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

BRIEF OF AMICUS CURIAE CITY OF RIVERSIDE IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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BRIEF OF AMICUS CURIAE CITY OF RIVERSIDE IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

Pursuant to Supreme Court Rule 37.4, the City of Riverside, by and through its authorized law officer the City Attorney, hereby submits the following brief in support of Petitioner Robert L. Ayers's Petition for Writ of Certiorari.

As set forth in the petition, this proceeding arises from the Ninth Circuit's reversal of the criminal conviction and death sentence of respondent Jackson Chambers Daniels for the brutal murder of City of Riverside police officers Dennis Doty and Phillip Trust.

The City of Riverside strongly urges the Court to grant the Petition for Writ of Certiorari, reverse the Ninth Circuit judgment, and reinstate the conviction and sentence. For the past 26 years, the friends and families of those slain officers, as well as the community of Riverside itself, have lived without final resolution or closure of this dark episode. The Ninth Circuit's decision now virtually guarantees the reopening of old wounds, and creates the prospect, if not certainty, of at least a decade or more of future litigation. Worse yet, as set forth in the Petition, it does so based upon legal principles that are inconsistent with the decisions of this Court and of the lower federal circuit courts.

The City of Riverside agrees with the arguments presented in the Petition for Certiorari and wholeheartedly adopts them herein. The City emphasizes, however, the particular need for this Court to review the Ninth Circuit's unsupported, and indeed unsupportable, conclusion that a criminal defendant's unilateral decision to

refuse to cooperate with trial counsel based upon the defendant's subjective evaluation of his counsel's performance and the rulings of the trial court, necessarily creates a conflict that results in the constructive denial of counsel. As the Petition correctly observes, the Ninth Circuit's opinion creates a road map for future criminal defendants to follow in an attempt to disrupt and create error at trial, which, in and of itself, would be amply sufficient to warrant the grant of certiorari. But the City of Riverside notes that invocation and application of this highly formalistic, legally untenable rule, which not simply invites, but encourages a cynical manipulation of the judicial system, is particularly odious in the context of this case. Two police officers, while performing their duties and protecting the public, were viciously murdered, resulting in a devastating loss to their families, as well as to the people of the City of Riverside as a whole. If there is any case in which the orderly process of justice is essential, it is in a capital crime involving the slaying of police officers. The City of Riverside therefore respectfully urges the Court to grant the Petition for Writ of Certiorari.

DATED: April 16, 2007

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
City of Riverside
GREGORY P. PRIAMOS